

THE NIGERIAN STATE AND RELIGION BY HON.JUSTICE N.A. IMOUKHUEDE

Sharia is one of the pillars of Islam and it is an article of faith. Our constitution guarantees every citizen freedom of religion as a fundamental human right, however the country has been declared a secular nation under section 10. Religion is therefore personal to each individual citizen. Our democracy is modelled after the American Presidential system, and Government is divided into the Executive, the Judiciary and the Legislature.

The problem we have in Nigeria is that due to religious fervour or whatever motive caused the Zamfara State Governor to introduce Sharia Criminal Law, he used the legislature in his state to enact a religious law. That on its own is unconstitutional, but when you have a situation where almost all the citizens indigenous to the state are Muslims, people will accept the law because it is their religion. They have been brought up believing in Sharia as supreme and a way of life. Even if they disagree, no one would dare voice such an opinion as a Muslim. It is just like expecting a Christian to denounce the crucifixion of Christ- that is the basis of the Christian faith. What therefore happened in Nigeria was that the Islamic fundamentalists and scholars were able to have their way.

The reality however is that every Nigerian is free to settle in any part of the country, you therefore have Nigerians who are not originally from these States living there for one reason or the other. Since the Sharia laws are acts of Parliament it is therefore binding on every citizen living in that State, whether you are Christian or Muslim. Some of these laws have banned drinking of alcohol, segregation of public transportation, amputation for stealing, death by stoning for adultery as well as so many Islamic enactments which are now binding on every resident of the State. The protagonists of Sharia Law, when they were trying to enact the law, assured Nigerians that it would only be binding on Muslims, but that is not however the reality. You have Sharia Police who are paid with taxpayers money enforcing compliance of the laws.

My experience is that there is a gradual retreat to fundamentalism in Nigeria, most especially since the US and other western countries' declared war on terror. Muslims feel that their faith is under attack. During the Safiya case in Nigeria, Muslim women refused to cooperate with women's rights NGOs and preferred to work with muslim women's groups, so as not to be seen to be propagating 'western values' of human rights. Furthermore there was also a clear risk to their lives if they attempted a different stance from that of the Islamic fundamentalists.

I have learned from living in Nigeria and interacting with Muslim women, that they have been socialised from birth to submit to an inferior status to men. They are therefore used to it, embrace it quite happily because it is a way of life for them and they do not know anything else. Muslim women live in seclusion, sometimes in purdah and social life is highly segregated. Their husbands are polygamous and are entitled to four wives. A woman may be divorced under Islamic law by their husband declaring 'I divorce you' three times.

When Women's Rights activists campaign on gender equality and equity, they resist it and believe you are criticising their religion and culture.

In northern Nigeria, child marriage is a way of life, some children are given away in marriage at the age of 12 years. Majority of women in the north are uneducated and ignorant. VVF, a disease affecting teenage mothers is rampant there.

Nigeria (our National Assembly comprising of the Senate and House of Reps) has recently enacted the Child Rights Act, guaranteeing certain rights to the Nigerian Child, however some northern States have refused to enact it because it prohibits child marriage. They feel that it is an affront to their culture.